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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MARION

**GAIL STEVENS**, an individual,

Case No.19CV07467

Plaintiff,

**COMPLAINT**

(42 U.S.C. § 1983 - Retaliation for  
Reporting Misconduct)

v.

**SENATE PRESIDENT PETER  
COURTNEY and HOUSE SPEAKER  
TINA KOTEK**, individuals,

NOT SUBJECT TO MANDATORY  
ARBITRATION  
JURY TRIAL REQUESTED

Defendants.

Claim of more than \$1,000,000 and less than  
\$10,000,000 Fee Authority: ORS 21.160(1)(d)  
\$834

NATURE OF THE ACTION

1.

This is an action under 42 U.S.C. § 1983 for deprivation of plaintiff's rights, privileges, or immunities secured by the Constitution and laws under color of state law. Plaintiff, a public sector attorney, reported unlawful conduct, mismanagement, and abuses of power at the Oregon State Capitol. Plaintiff also reported retaliation for opposing gender discrimination and noncompliance with state and federal laws against sexual harassment. Plaintiff's speech constituted a matter of public concern protected by the First Amendment of the United States Constitution. Defendants participated in and ratified unlawful action against plaintiff for protected speech and participated

1 in the retaliatory termination of plaintiff.

2 **PARTIES**

3  
4 2.

5 Plaintiff **GAIL STEVENS**, former Deputy Legislative Counsel, worked at the Oregon  
6 State Capitol in the Office of Legislative Counsel, a state agency governed by the Oregon  
7 Legislative Assembly's Legislative Counsel Committee (LCC), from late 2014 through March  
8 2017.

9  
10 3.

11 Defendant **SENATE PRESIDENT PETER COURTNEY** is an individual who, at all  
12 relevant times, served as Co-Chair of both the Legislative Counsel Committee and the Legislative  
13 Administration Committee (LAC).

14  
15 4.

16 Defendant **HOUSE SPEAKER TINA KOTEK** is an individual who, at all relevant  
17 times, served as Co-Chair of the Legislative Counsel Committee and Legislative Administration  
18 Committee.

19 **GENERAL ALLEGATIONS**

20  
21 5.

22 The Legislative Counsel Committee exercises power and authority over the Legislative  
23 Counsel, Dexter Johnson, who serves at LCC's pleasure.

24  
25 6.

26 The Legislative Administration Committee is responsible for capitol-wide personnel

1 management. The Legislative Counsel exercises significant influence and control over employment  
2 practices at the state capitol, providing in-house legal advice to LAC.

3  
4 7.

5 Through defendants' Human Resources (HR) Director, Lore Christopher, Johnson advises  
6 LAC regarding harassment and discrimination reports. Under LBPR 27, Legislative Counsel  
7 Johnson and HR Director Christopher serve as the main points of contact for harassment reports  
8 at the capitol.

9  
10 8.

11 Under Legislative Branch Personnel Rule (LBPR) 27, both the previous and current  
12 versions, in the event of a conflict of interest involving the Legislative Counsel, employees are  
13 directed to the "presiding officers of both chambers" with formal and informal complaints. The  
14 presiding officers are Senate President Courtney and House Speaker Kotek.

15  
16 9.

17 LBPR 27 follows state and federal discrimination laws and requires a process to prevent  
18 and promptly correct discrimination, harassment, and retaliation about which a supervisor knows  
19 or has reason to know. In the face of a report to a supervisor, Legislative Counsel Johnson, HR  
20 Director Christopher, or a presiding officer is required to take immediate action to protect the  
21 reporting employee pending investigation.

22  
23 10.

24 Under LBPR 27, an investigation requires that the reporting party receive a copy of the  
25 investigation report and an opportunity to respond.

1 11.

2 Defendants, as Co-Chairs of the Legislative Counsel Committee and Legislative  
3 Administration Committee, act as the capitol's top managers when it comes to capitol  
4 administration, including personnel matters.  
5

6 12.

7 At all relevant times, and for the previous ten years, Dexter Johnson has served as the  
8 Legislative Counsel and executive officer of the Legislative Counsel Committee (LCC).  
9

10 13.

11 Betsy Imholt is Chief of Staff to defendant Senate President Courtney. At all relevant  
12 times, Imholt acted in the course and scope of her employment under the authority of defendant  
13 Senate President Speaker Courtney.

14 14.

15 Tim Inman is Chief of Staff to defendant Speaker Kotek. At all relevant times, Inman  
16 acted in the course and scope of his employment under the authority of defendant House Speaker  
17 Kotek.  
18

19 15.

20 Plaintiff has worked in the field of civil rights and employment law since 2004. In  
21 November 2014, she accepted a position as Staff Attorney in the Office of Legislative Counsel.  
22

23 16.

24 In June 2015, Legislative Counsel Johnson promoted plaintiff to Deputy Legislative  
25 Counsel based on her performance and subject matter expertise in the areas of civil rights and  
26

1 employment law. Johnson recognized and described plaintiff as an excellent employee who  
2 formed “effective relationships” and produced “top notch” work.

3  
4 17.

5 Plaintiff’s job description primarily involved authoring legal opinions in her subject matter  
6 areas of expertise, drafting legislative bills and amendments, providing advice to legislators  
7 regarding legislation, and off-session editing duties.

8  
9 18.

10 Although the job description and class specification for Staff Attorney and Deputy  
11 Legislative Counsel do not include providing human resources (HR) advice to the legislative  
12 branch regarding personnel matters, Johnson and Christopher assigned significant HR work to  
13 plaintiff, in addition to plaintiff’s normal duties, which added to an already busy, full-time  
14 position.

15  
16 19.

17 HR work included advising Christopher and Johnson regarding veterans’ preference laws,  
18 the open and competitive hiring process, the interactive process for disabled employees, public  
19 accommodation law, state and federal laws prohibiting sexual harassment and gender  
20 discrimination and corresponding individual liability.

21  
22 20.

23 Plaintiff’s HR work placed her in a unique position at the capitol that resulted in  
24 identifying and exposing legal and ethical violations. Throughout plaintiff’s employment with the  
25 Office of Legislative Counsel, plaintiff raised concerns with Legislative Counsel Johnson

1 regarding her HR workload, which was excessive due to past mismanagement, abuses of power,  
2 and unethical and unlawful conduct (“misconduct”).

3  
4 21.

5 Plaintiff also expressed concerns regarding pay inequity for work outside her job class  
6 specification.

7 22.

8 Plaintiff’s concerns regarding misconduct arose in the course of her role as a public sector  
9 attorney.

10  
11 23.

12 In accordance with Oregon Rules of Professional Conduct 1.6 (b)(4), and to err on the  
13 side of caution, plaintiff has filed under seal specifics regarding her reports of misconduct in  
14 Marion County Circuit Court, Case No. 17CV46412, Stevens v. State of Oregon and Dexter  
15 Johnson, Second Amended Complaint (January 31, 2018). Plaintiff intends to move the Court for  
16 consolidation of this action with the existing case. Factual allegations in this complaint reflect  
17 non-privileged communications.

18  
19 24.

20 Plaintiff’s speech regarding misconduct was protected by the First Amendment.

21 25.

22 A non-privileged example of plaintiff’s HR work involved revision to the Legislative  
23 Branch Personnel Rules (LBPR), described by the Oregon Bureau of Labor and Industries  
24 (BOLI) in a public document on August 1, 2018 in Case No. STEMSH180801-11138, Avakian v.  
25

1 Oregon Legislative Assembly and Legislative Administration Committee, and in its NOTICE OF  
2 SUBSTANTIAL EVIDENCE DETERMINATION issued January 3, 2019.

3  
4 26.

5 Portions of the previous version of LBPR 27 did not satisfy state or federal law and  
6 contributed to the maintenance of a sexually hostile work environment at the capitol.

7 27.

8 Legislative Counsel Johnson began to retaliate against plaintiff for reporting and opposing  
9 unlawful and unethical conduct, mismanagement, abuses of power, gender discrimination, pay  
10 inequity and the mishandling of sexual harassment reports.

11  
12 28.

13 In late 2015, while plaintiff discussed noncompliance with Johnson, Johnson informed  
14 plaintiff that most violations of employee rights at the capitol do not concern Johnson as  
15 Legislative Counsel, explaining that capitol employees are reluctant to sue because litigation  
16 against powerful people such as those in the capitol would destroy the employee's career.

17  
18 29.

19 Legislative Counsel Johnson's tone and actions surrounding the discussion were  
20 intimidating and retaliatory to plaintiff, making it clear to plaintiff that her job was on the line.

21 30.

22 Johnson downplayed the importance and level of difficulty of plaintiff's HR work,  
23 including work on sexual harassment complaints, which Johnson once referred to as "a soap  
24 opera."  
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31.

In early February 2016, plaintiff shared concerns with a supervising attorney, then Senior Deputy Kate Tosswill, that Johnson was retaliating against plaintiff for opposing misconduct in the course of plaintiff’s HR work.

32.

Plaintiff’s report to Tosswill constituted speech protected by the First Amendment.

33.

LBPR 27 requires a supervisor to report retaliation by Legislative Counsel Johnson to the presiding officers, House Speaker Kotek and Senate President Courtney.

34.

Tosswill did not report plaintiff’s concerns about Johnson the presiding officers, but instead revealed them to Johnson himself.

35.

Tosswill downplayed and dismissed plaintiff’s report by responding that Johnson was “interested” in plaintiff, meaning sexual or romantic interest.

36.

Tosswill once informed plaintiff that plaintiff reminded Tosswill of a subordinate attorney in the office with whom Johnson had a romantic relationship before plaintiff was hired.

37.

Immediately after plaintiff’s report to Tosswill and Tosswill’s revealing that report to Johnson, Tosswill joined Johnson in retaliating against plaintiff.



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38.

For example, Tosswill required plaintiff to undertake an assignment that required knowledge in Tosswill’s drafting area, income tax law, and then withheld assistance from plaintiff.

39.

Plaintiff is not a tax attorney.

40.

Senior Deputy Tosswill’s tax assignment to plaintiff involved work with a male legislator known at the capitol for overly demanding and substantively challenging legislative requests and amendments.

41.

Plaintiff approached Johnson, in his role as Legislative Counsel, to intervene with the legislator regarding the unreasonableness of the legislator’s requests and the time frame in which the legislator wanted them completed.

42.

Johnson declined to assist plaintiff, explaining that the legislator was not difficult and that Senator Sarah Gelser and Representative Julie Parrish were more difficult than the male legislator.

43.

Plaintiff required no assistance in working with Senator Gelser, Representative Parrish or any other legislator at that time or any other time during her employment at the capitol.

44.

Without intervention from management, plaintiff was required to fulfill the legislator’s

1 requests, in addition to plaintiff's already full workload. Plaintiff worked shifts that lasted from 12  
2 to 24 hours, without assistance from Tosswill or Johnson, plaintiff's supervisor and manager,  
3 respectively.  
4

5 45.

6 Instead of providing plaintiff assistance, Tosswill and Johnson accused plaintiff of  
7 inappropriately meeting at night with the legislator, a married man.  
8

9 46.

10 From a hallway outside plaintiff's office door, Johnson angrily stated to plaintiff, "I don't  
11 want you meeting with [the legislator] at night!" Later, based on sheer gossip, another manager in  
12 the office, who was close with Tosswill, informed plaintiff that plaintiff would not have been so  
13 busy if she had not spent time "texting" the legislator after hours.  
14

15 47.

16 Plaintiff never met with the legislator at night, and she never texted the legislator at all.  
17 While plaintiff was frequently in her office past midnight during that time frame, she was alone,  
18 working.  
19

20 48.

21 Neither Legislative Counsel Johnson nor any other supervisor or manager in the office  
22 admonished male attorneys in the office for meeting with legislators at night or texting them.  
23

24 49.

25 In late February 2016, a female legislator asked to meet with plaintiff regarding a  
26 personnel matter. The legislator informed plaintiff that Senate President Courtney's female

1 receptionist had been terminated for having a consensual romantic relationship with a male  
2 legislator that Senate President Courtney did not like.

3 50.

4  
5 The legislator expressed concerns that women were treated like property at the capitol  
6 while men received a slap on the hand for misconduct.

7 51.

8 The legislator expressed frustration to plaintiff over capitol “work from home”  
9 assignments, which appeared to be thinly veiled monetary settlements, paid for by taxpayers and  
10 orchestrated by Legislative Counsel Johnson and HR Director Christopher. Plaintiff informed the  
11 legislator that plaintiff’s knowledge regarding HR matters, if any, was confidential.

12 52.

13  
14 Plaintiff reported the legislator’s concerns to Legislative Counsel Johnson.

15 53.

16 Johnson reacted negatively to the legislator’s statements, denied wrongdoing, and  
17 reminded plaintiff of a previous instruction by Johnson not to take the female legislator seriously.

18 54.

19  
20 On March 3, 2016, Senator Gelser met with Johnson and Christopher to report unwanted  
21 sexual touching by a legislator.

22 55.

23 Under LBPR 27, an informal report of sexual harassment such as Senator Gelser’s report  
24 in March 2016 required Johnson or Christopher to investigate Senator Gelser’s allegations,  
25

1 offering the alleged harasser a meaningful opportunity to respond. LBPR 27 also required  
2 Johnson or Christopher to take interim steps, as needed, to protect Senator Gelser.

3  
4 56.

5 In and around March and April 2016, plaintiff reported retaliation for opposing  
6 misconduct and offensive, gender-biased comments by Senior Deputy Tosswill and Legislative  
7 Counsel Johnson to HR Director Christopher. Plaintiff reminded Christopher about plaintiff's past  
8 and ongoing opposition to failures to follow applicable rules and law with respect to personnel  
9 matters.

10  
11 57.

12 Plaintiff's reports of misconduct and gender discrimination to Christopher constituted  
13 speech protected by the First Amendment.

14  
15 58.

16 Under LBPR 27, HR Director Christopher has a duty to provide employees with  
17 immediate protection from retaliation and investigate their reports.

18  
19 59.

20 HR Director Christopher has a duty to keep reports confidential.

21  
22 60.

23 Christopher did not take steps to protect plaintiff, investigate her reports, or keep them  
24 confidential.

25  
26 61.

HR Director Christopher responded to plaintiff's reports with comments such as, "I can

1 lead them to water, but I can't make them drink" and "Johnson's name is on the door," meaning  
2 Christopher could do nothing.

3  
4 62.

5 Christopher inappropriately shared plaintiff's reports with capitol employees outside the  
6 HR department.

7 63.

8 On or around June 17, 2016, Christopher discussed plaintiff's reports with an outside  
9 office, informing a manager that, in Christopher's opinion, Legislative Counsel Johnson would  
10 never let employment guidance at the capitol come from an employment attorney or anyone but  
11 Johnson, even when Johnson was wrong.

12  
13 64.

14 Christopher added that she was not concerned about following the law as HR Director  
15 because Johnson was responsible as Legislative Counsel.

16 65.

17 LBPR 27 directed plaintiff to bring her complaints to HR Director Christopher or a  
18 presiding officer, the Senate President or House Speaker. Because Christopher failed to act  
19 regarding ongoing retaliation, plaintiff approached House Speaker Kotek's Office or Senate  
20 President Courtney's Office with her concerns.

21  
22 66.

23 On August 2, 2016, plaintiff reported, in writing, to a presiding officer, House Speaker  
24 Kotek, through her Chief of Staff, Tim Inman, that:  
25

1 (a) Legislative Counsel Johnson retaliated against plaintiff for reporting and exposing  
2 unlawful and unethical conduct, mismanagement, abuses of power and the mishandling of sexual  
3 harassment reports;

4 (b) Johnson and another high-level manager made gender discriminatory comments to  
5 plaintiff, sometimes in an effort to downplay the time required to perform HR work;

6 (c) After plaintiff's reports to HR Director Christopher, Christopher failed to  
7 investigate plaintiff's concerns and failed to maintain confidentiality of plaintiff's reports;

8 (d) After plaintiff's report to Senior Deputy Tosswill, Tosswill participated in  
9 retaliation against plaintiff; and

10 (e) Legislative Counsel Johnson informed plaintiff that complaining about powerful  
11 people such as those in the capitol would destroy an employee's career.

12  
13  
14 67.

15 Plaintiff's report to House Speaker Chief of Staff Inman constituted speech protected by  
16 the First Amendment.

17  
18 68.

19 During their meeting over plaintiff's report, Inman commented that HR Director  
20 Christopher was underqualified and untrustworthy as defendants' HR Director, and that it did not  
21 surprise him that Christopher failed to act on plaintiff's reports to Christopher.

22 69.

23 Inman added that he observed Legislative Counsel Johnson react negatively and in a  
24 hostile manner toward plaintiff during a work group meeting after plaintiff opposed

1 noncompliance related to the handling of sexual harassment reports under LBPR 27.

2 70.

3 On or around August 16, 2016, Legislative Counsel Johnson admonished plaintiff for  
4 reporting her concerns to Inman and instructed plaintiff not to report her concerns regarding  
5 retaliation to the Senate President’s Office or the House Speaker’s Office again.  
6

7 71.

8 On or around the same day, House Speaker Chief of Staff Inman and Senate President  
9 Chief of Staff Betsy Imholt directed plaintiff by email to take her concerns to HR Director  
10 Christopher rather than their offices.  
11

12 72.

13 Under LBPR 27, the presiding officers have a duty to provide employees with immediate  
14 protection from retaliation and investigate their reports.

15 73.

16 Inman and Imholt denied plaintiff’s request for protection from retaliation.  
17

18 74.

19 Prior to plaintiff’s report to House Speaker Chief of Staff Inman, plaintiff enjoyed a close  
20 working relationship with the Senate President’s Office and the House Speaker’s Office, both  
21 through their respective Chiefs of Staff and directly.  
22

23 75.

24 After plaintiff’s report, defendants treated plaintiff like an employee at the capitol with  
25 whom defendants had never met or worked.

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76.

Eventually, in fall 2016, plaintiff's reports resulted in an investigation.

77.

The investigator performed a cursory inquiry, ignored plaintiff's written submission to Inman, and relied on a positive performance review rather than the documents plaintiff submitted and referred to as retaliatory to assess retaliation.

78.

Nevertheless, in or around November 2016, the investigator found that Christopher inappropriately ignored Christopher's duty as HR Director to investigate plaintiff's report of a hostile work environment with respect to gender discrimination.

79.

The investigator also found that Christopher and Johnson failed to address plaintiff's pay equity concerns in a manner required by law.

80.

LBPR 27 requires that the investigation report be shared with the reporting party. The HR Office did not share the investigation report with plaintiff.

81.

Instead, HR Assistant Steketee created a simplified version of the report to plaintiff that was inaccurate in several ways.

82.

On January 11, 2017, Steketee provided plaintiff with the simplified version of the



1 investigation report.

2 83.

3 Steketee’s version of the report misrepresented to plaintiff that the investigator made “no  
4 findings” in plaintiff’s favor and found “no evidence” of wrongdoing by Johnson, Christopher or  
5 anyone else.  
6

7 84.

8 In January 2017, Legislative Counsel Johnson promoted Tosswill to Chief Editor of the  
9 editing department and “Special Counsel,” a higher-level position among the attorneys than  
10 Tosswill’s previous role as Senior Deputy.  
11

12 85.

13 The position of Special Counsel was not an existing position at that time.

14 86.

15 In and around February and March 2017, both Special Counsel Tosswill and Legislative  
16 Counsel Johnson assigned work to plaintiff that was more appropriately assigned to others in their  
17 respective areas of expertise.  
18

19 87.

20 On March 10, 2017, Tosswill entered plaintiff’s office and admonished plaintiff over one  
21 typographical error for a third time and made inappropriate, retaliatory references to plaintiff’s  
22 report to the House Speaker’s Office, offering inaccurate, alternative facts. During the meeting  
23 with plaintiff, Tosswill held an income tax assignment from the same male legislator referred to in  
24 paragraph 38 above, reminiscent of the series of tax concepts the legislator requested in 2016.  
25

1 Tosswill told plaintiff that Lorey Freeman, Chief Deputy Legislative Counsel, had informed  
2 Tosswill the tax request was Tosswill's responsibility, not plaintiff's, but that Tosswill disagreed  
3 with Freeman.  
4

5 88.

6 Tosswill informed plaintiff that if she required assistance, she needed to obtain that  
7 assistance from Tosswill, thereby isolating plaintiff from senior employees and coworkers and  
8 denying plaintiff assistance to which other employees had access.  
9

10 89.

11 Roughly 50 employees work in the Office of Legislative Counsel, and consulting and  
12 conferring with senior employees and subject-matter experts is a common and necessary practice  
13 in the office during session.  
14

15 90.

16 On March 12, 2017, plaintiff made a final request for protection from retaliation by email  
17 to the House Speaker's Office and the Senate President's Office.  
18

19 91.

20 Plaintiff explained to the presiding officers, through their Chiefs of Staff, the HR Office's  
21 inappropriate handling of plaintiff's past reports and asked for permission to work under the  
22 direction of Chief Deputy Legislative Counsel Freeman until the matter was investigated and  
23 resolved appropriately.  
24

25 92.

26 Plaintiff's March 12, 2017 request constituted speech protected by the First Amendment.

1 93.

2 On or around March 13, 2017, the House Speaker's Office and the Senate President's  
3 Office directed plaintiff back to their HR department, forwarding plaintiff's email to HR Assistant  
4 Steketee.  
5

6 94.

7 Under LBPR 27, the presiding officers and HR Office have a duty to provide immediate  
8 protection to a reporting employee pending investigation.  
9

10 95.

11 Steketee responded on behalf of the presiding officers, Senate President Courtney and  
12 House Speaker Kotek.  
13

14 96.

15 In that response, HR Assistant Steketee disregarded plaintiff's current communications  
16 and responded to plaintiff that her concerns had been "investigated" a few months earlier,  
17 referring to Steketee's own false report that there was "no evidence" of wrongdoing of any kind  
18 by anyone.  
19

20 97.

21 On or around March 13, 2017, plaintiff learned that Special Counsel Tosswill asked a  
22 high-level editing employee to scrutinize plaintiff's work more closely than other employees, none  
23 of whom had raised similar complaints, in further retaliation for plaintiff's reports.  
24

25 98.

26 Plaintiff expressed concerns regarding resurging retaliation to Chief Deputy Legislative

1 Counsel Freeman, describing past events and repeating to Freeman Tosswill's role in retaliation in  
2 plaintiff's 2016 report, including Johnson's retaliation and failure to intervene.

3  
4 99.

5 Plaintiff also reminded Freeman about Tosswill's offensive comments to the effect that  
6 Johnson was "interested" in plaintiff as well as Johnson's and Tosswill's false, offensive gossip  
7 about plaintiff's texting and meeting at night with the married male legislator, referred to in  
8 paragraphs 35 and 38 above.

9  
10 100.

11 Such reports by plaintiff were protected by the First Amendment.

12  
13 101.

14 LBPR 27 requires a supervisor to report harassment and retaliation to the Legislative  
15 Counsel or, in the event of a conflict, such as in this case, to the presiding officers, House Speaker  
16 Kotek and Senate President Courtney.

17  
18 102.

19 On March 31, 2017, Legislative Counsel Johnson and HR Assistant Steketee called  
20 plaintiff into Johnson's office and terminated plaintiff's employment.

21  
22 103.

23 The termination occurred less than three weeks after plaintiff's request for protection to  
24 the House Speaker and Senate President's Offices.

25  
26 104.

During Johnson's termination of plaintiff, Johnson stated that the decision was

1 “high-level,” while Steketee instructed plaintiff not to ask questions.

2 105.

3 The only people at a “higher level” than Johnson in connection with management of  
4 personnel matters at the capitol are Senate President Courtney and House Speaker Kotek,  
5 Co-Chairs of the Legislative Counsel Committee and the Legislative Administration Committee.  
6

7 106.

8 Plaintiff’s reports regarding misconduct necessarily implicated defendants’ own practices  
9 as the highest-level managers in the legislative branch and Johnson’s appointing authorities.  
10

11 107.

12 Johnson replaced plaintiff with an entry-level, female attorney with no experience  
13 practicing law in plaintiff’s subject matter areas of expertise and no experience advising HR  
14 professionals in the area of employment law, and who had made no complaints of misconduct,  
15 gender discriminatory comments, or retaliation.

16 **DAMAGES ALLEGATIONS**

17 108.

18 Johnson and defendants’ termination of plaintiff during the height of the 2017 session  
19 harmed plaintiff’s personal and professional reputation, diminishing plaintiff’s ability to secure  
20 employment in her chosen profession. Johnson and Steketee’s termination of plaintiff also caused  
21 plaintiff to incur emotional distress, embarrassment, humiliation, fear, anxiety and loss of  
22 enjoyment of life.  
23  
24

25 109.

1 As a result of the unlawful actions alleged herein, plaintiff has and will continue to suffer  
2 economic damages. She is entitled to reinstatement to her former or a comparable position, but if  
3 not feasible, plaintiff is entitled to recover an appropriate amount in lost future wages, lost earning  
4 capacity, and past lost wages and benefits of employment and other economic losses in an amount  
5 as may be established at trial. Solely for purposes of ORCP 18B, plaintiff estimates and alleges her  
6 economic damages to be \$500,000.  
7

8 110.

9 As a further result of defendants' actions alleged herein, plaintiff has suffered and is  
10 entitled to recover for her noneconomic damages, including physical, emotional, and mental harm  
11 in an amount found to be appropriate by a jury based on the evidence presented at trial. Solely for  
12 purposes of ORCP 18B, plaintiff estimates and alleges her damages to be \$2,000,000.  
13

14 111.

15 Plaintiff is entitled to a declaration that defendants acted in violation of the statute set  
16 forth in this complaint for relief and equitable relief enjoining defendants from future violations of  
17 the statutes set forth herein, and other relief in favor of plaintiff on terms the court may direct.  
18

19 112.

20 Defendants acted intentionally with an improper, discriminatory, and abusive motive and  
21 with malice. The acts as described herein were done intentionally with a discriminatory motive and  
22 with malice or ill will or with knowledge that their actions violated state or federal law or with  
23 reckless disregard or callous indifference to the risk that their actions violated state, federal, and  
24 Constitutional law. Defendants acted as alleged herein in intentional and/or in reckless disregard  
25

1 of defendant's societal obligations, and committed the acts alleged with conscious indifference to  
2 the health, safety, and welfare of plaintiff.

3  
4 113.

5 Plaintiff is entitled to recover her reasonable attorney's fees, reasonable expert witness  
6 fees, and other costs of the action to be paid by the defendant pursuant to 42 U.S.C. § 1988.

7 **CLAIM FOR RELIEF**

8 42 U.S.C. § 1983 – First Amendment

9 (Retaliation for Reporting Public Misconduct)

10  
11 114.

12 Plaintiff realleges and incorporates paragraphs 1 through 113 as though fully set forth  
13 herein.

14  
15 115.

16 Johnson and defendants terminated plaintiff in retaliation for plaintiff's opposing and  
17 reporting what plaintiff reasonably believed to be mismanagement, unlawful conduct, unethical  
18 conduct, abuses of power, gender discrimination, pay inequity and other legal violations.

19  
20 116.

21 Chief of Staff to the House Speaker Inman and Chief of Staff to the Senate President  
22 Imholt do not act on their own authority but under the authority of defendants, House Speaker  
23 Kotek and Senate President Courtney, respectively. HR Assistant Steketee acts under the  
24 authority of defendants' HR Director Christopher, a manager for the Legislative Administration  
25 Committee, co-chaired by defendants.

1 117.

2 At all relevant times, defendants acted under color of state law in their capacities as  
3 presiding officers.  
4

5 118.

6 Defendants failed to stop an act or series of acts by Johnson that they knew or reasonably  
7 should have known would deprive plaintiff of her right to be free from retaliation for protected  
8 speech in the form of reporting gender discrimination, misconduct, corruption, and retaliation.  
9

10 119.

11 Defendants' failure to take appropriate action to prevent and promptly correct retaliation  
12 about which defendants knew or should have known, in violation of LBPR 27, state and federal  
13 law, was so closely related to the deprivation of plaintiff's rights as to be the moving force that  
14 caused her termination.  
15

16 120.

17 Defendants' personally participated in a pattern of conduct that chilled plaintiff's exercise  
18 of her First Amendment rights by ignoring and mishandling plaintiff's reports through a circular  
19 and ineffective reporting chain, by rescinding previous professional contact with plaintiff and by  
20 authorizing or directing plaintiff's termination.  
21

22 121.

23 Defendants' failure to act on plaintiff's reports of retaliation for protected conduct was  
24 intentional or made with reckless or callous indifference to plaintiff's Constitutional rights.  
25

26 122.



1 Under the First Amendment, a public sector attorney has the right to speak on matters of  
2 public concern as a private citizen.

3 123.

4  
5 Plaintiff's disclosures constituted speech that was a matter of public concern because her  
6 speech related to unethical conduct, mismanagement, corruption, unlawful activity, gender  
7 discrimination, sexual harassment, and retaliation by public officials.

8 124.

9 Plaintiff's speech was made as a private citizen and not pursuant to her official job duties  
10 because plaintiff disobeyed Legislative Counsel Johnson's order not to complain to House  
11 Speaker Kotek or Senate President Courtney's Offices again, because plaintiff's job  
12 responsibilities did not include reporting Johnson's misconduct or retaliation, and because plaintiff  
13 made reports outside her chain of command. Additionally, plaintiff's speech was made as a private  
14 citizen because she reported misconduct and retaliation that was systemic, involving acts and  
15 omissions by high-level officials, with capitol-wide implications.

16 125.

17  
18 Plaintiff's interest in her speech outweighs defendants' interest in administrative efficiency.

19 126.

20 Defendants' personnel decisions are not entitled to absolute immunity.

21 127.

22  
23 Defendants are not entitled to qualified immunity because, as the highest-level  
24 administrators at the state capitol, any reasonable person in defendants' respective positions  
25

1 would know that Johnson and defendants violated plaintiff's longstanding, historical right under  
2 the First Amendment to report unethical conduct, mismanagement, unlawful activity, gender  
3 discrimination, and retaliation by public officials.  
4

5 128.

6 Plaintiff is entitled to reasonable attorney fees and costs, pursuant to 42 U.S.C. § 1988.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, plaintiff requests the Court to:

- 9 1. Declare defendants in violation of the United States Constitution;  
10 2. Provide appropriate injunctive relief to prevent defendants from fostering a culture  
11 of retaliation as alleged herein on terms the Court deems appropriate.  
12 3. Order defendants to make plaintiff whole by providing compensation for  
13 non-economic losses in amounts as are awarded by the court or a jury;  
14 4. Order defendants to compensate plaintiff for her economic losses in amounts  
15 awarded by the court or a jury;  
16 5. Award plaintiff her costs of suit and reasonable attorney fees, costs, and expert  
17 witness fees;  
18 6. Order defendants to pay prejudgment interest and post-judgment interest on all  
19 amounts due to plaintiff as a result of this action, with interest at the prevailing rate; and  
20 7. Order further or alternative relief in favor of plaintiff as the court deems  
21 appropriate.  
22  
23  
24

25 **JURY TRIAL DEMAND**

1 Plaintiff demands a jury trial on all questions of fact or combined questions of law and fact  
2 raised by this complaint.

3 DATED February 15, 2019.  
4  
5

6 **CRISPIN EMPLOYMENT LAW PC**

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